



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

LCC:yrj
Docket No: 3624-02
13 August 2002

From: Chairman, Board for Correction of Naval Records
To: Secretary of the Navy

Subject: [REDACTED]

Ref: (a) Title 10 U.S.C. 1552

Encl: (1) DD Form 149 w/attachments
(2) NPC memorandum 7220 PERS-823 of 17 July 2002
(3) Subject's naval record

1. Pursuant to the provisions of reference (a), Subject hereinafter referred to as Petitioner, filed enclosure (1) with this Board requesting, in effect, that the applicable naval record be corrected to show that Petitioner's retainer pay in the Fleet Reserve is based on having over 22 years for pay purposes.

2. The Board, consisting of Messrs. Carlsen, Frankfurt, and Swarens, reviewed Petitioner's allegations of error and injustice on 13 August 2002 and, pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, naval records, and applicable statutes, regulations and policies.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. In correspondence attached as enclosure (2), the office having cognizance over the subject matter addressed in Petitioner's application has commented to the effect that the request has merit and warrants favorable action.

CONCLUSION

Upon review and consideration of all the evidence of record, and especially in light of the contents of enclosure (2), the Board finds the existence of an injustice warranting the following corrective action.

RECOMMENDATION:

That Petitioner's naval record be corrected, where appropriate, to show that:

a. Petitioner first enlisted USN 18 December 1972 and was placed on the Temporary Disability Retired List (TDRL) on 1 January 1974 and was discharged from the TDRL on 12 February 1976. Petitioner reenlisted for active duty USN on 13 February 1976 and had continuous active duty until he was transferred to the Fleet Reserve effective 1 April 1995.

b. The PEBD on all documents contained in Petitioner military records will be corrected to show 18 December 1972. This correction will start from 13 February 1976 which was the date Petitioner reenlisted after being released from the TDRL on 12 February 1976.

c. Petitioner's Military Pay Account will be corrected to show that his Pay Entry Base Date (PEBD) was reflected as 18 December 1972 when he reenlisted on 13 February 1976 and his Retired Pay Account will be corrected to show that his retainer pay was based on his PEBD of 18 December 1972 thus at the time he was transferred to the Fleet reserve he had 20 years 2 months and 1 day of active military service and his retainer pay was based on 22 years, 3 months and 14 days total military time which included his time spend on the TDRL.

d. That a copy of this Report of Proceedings be filed in Petitioner's naval record.

4. Pursuant to Section 6(c) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(c)) it is certified that quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

ROBERT D. ZSALMAN
Recorder


G. L. ADAMS
Acting Recorder

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(e)) and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.

13 August 2002



W. DEAN PFEIFFER
Executive Director